THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 17172 of 2007

Date:13-08-2007

Between:

Mekala Venakta Ranga Rao …
PETITIONER

AND

The Deputy Commissioner of Prohibition & Excise, Vijayawada and another

..

RESPONDENTS

ORDER:

The petitioner seeks to issue a writ of mandamus to declare the action of the respondents in not considering the representation of the petitioner, dated 21.04.2007 for changing the entrance to the bar and restaurant through the northern side, as illegal and arbitrary.

The petitioner is the licence holder in Form 2-B to run the bar and restaurant under the provisions of A.P. Excise (Grant of Licence of selling by bar and conditions of licence) Rules, 2005 in respect of the premises bearing Door No.11/1155, Chemanagiripet, Machilipatnam, Krishna District.

It is stated that the petitioner has made an application on 21.04.2007 before the respondents to permit him to open the entrance of the bar on the northern side by making necessary amendment in the licence granted in his favour. It is stated that the said application has not been considered and disposed of.

Learned counsel for the respondents submits that as per Rule 13(1) of the A.P. Excise (Grant of License Etc.) Rules, 2005 (for short 'the Rules) the licensee shall sell the liquor only at the premises specified in the licence and as per Rule 13(2) of the Rules no change or alteration of the licensed premises shall be made during the licence without the prior approval of the Deputy Commissioner of Prohibition and Excise i.e. the first respondent herein.

Learned counsel for the petitioner submits that if the change of entrance is not violation of Rule 6 of the Rules, there cannot be any objection for the respondents to permit the petitioner for opening of the entrance to the northern side of the petitioner's bar.

I am not inclined to express any opinion with regard to the merits of the case whether the grant of such opening of the entrance to the bar and restaurant of the petitioner through the northern side violates any of the provisions of the Rules thereunder, as it is for the respondents 1 and 2 to consider and dispose of the said application of the petitioner in accordance with law.

Having regard to the facts and circumstances of the case, the respondents are directed to consider and dispose of the said representation of the petitioner, dated 21.04.2007, in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:13.08.2007.
Ccm